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Attorney Docket No. 1761.1021D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:

Hisashi Ohtsuki, et al

Application No.: 10/607,198

Group Art Unit: 3682

Filed: June 17, 2003

Examiner: Unassigned

For: WHEEL BEARING AND SEALING DEVICE THEREFOR

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information, which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copies of IDS citations, except for U.S. Patents and U.S. Patent Application publications for applications filed on or after June 30, 2003, in accordance with OG Notice of August 5, 2003.
- 1c. ☒ Japanese language copy of a communication(s) from a foreign Patent Office or a PCT International Search Report.
- 1d. ☒ English language translation (complete, Abstract or relevant portion(s)) attached to non-English language publications as indicated on the attached Form PTO-1449.
- 1e. ☒ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of non-English publications.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☐ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☒ This Information Disclosure Statement is filed under 37 CFR § 1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☐ Within three months of the filing date of a national application;
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☒ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND

(Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)

- 3a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; OR
 3b. ☐ The \$180.00 fee set forth in 37 CFR § 1.17(p) is:
☐ enclosed.
☐ to be charged to Deposit Account No. 19-3935.

4. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND

- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND
 4b. ☐ The \$180.00 fee set forth in 37 CFR § 1.17(p) is:
☐ enclosed.
☐ to be charged to Deposit Account No. 19-3935.

5. ☐ Statement under § 1.97(e) *(applicable if Item 3a or Item 4a is checked)*
(Check either Item 5a or 5b)

- 5a. ☐ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
 5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).

(Check appropriate Items 6a and/or 6b)

- 6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. ___, filed on ___, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).
 6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. ___, filed on ___, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

7. ☐ This is a Request for Continued Examination under 37 CFR § 1.114.
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A Request for Continued Examination under 37 CFR § 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.114(a), respectively.
8. ☐ This is a Supplemental Information Disclosure Statement.
(Check either Item 8a or 8b)
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on _____. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on _____.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR §§ 1.97 and 1.98, mailed _____.
9. ☒ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☐ satisfied for the non-English language publication(s) cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed., Rev. 2)
- 9b. ☐ set forth in the application.
- 9c. ☒ satisfied for the non-English language publication(s) indicated on the attached Form PTO-1449 as having an English language translation (complete or relevant portion(s)) attached thereto .
- 9d. ☒ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

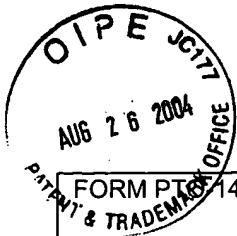
11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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FORM PTOL 1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Sheet 1 of 1

ATTORNEY DOCKET NO.

1761.1021D

APPLICATION NO.

10/607,198

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

FIRST NAMED INVENTOR

Hisashi Ohtsuki, et al

FILING DATE

June 17, 2003

GROUP ART UNIT

3682

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	TRANSLATION YES NO		ABSTRACT
	AC	JP 06-281018	10/07/1994	Japan			X
	AD	JP 4-50724	04/28/1992	Japan		X	
	AE	JP 09-274051	10/21/1997	Japan			X
	AF	JP 09-292032	11/11/1997	Japan			X
	AG	JP 10-153607	06/09/1998	Japan			X
	AH	JP 4-28274	03/06/1992	Japan		X	
	AI	JP 2-93569	07/25/1990	Japan		X	
	AJ	JP 2-146221	12/12/1990	Japan		X	

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

TRANSLATION
YES NO

	AK			
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EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**ATTACHMENT 1(e)****EXPLANATIONS OF RELEVANCY
OF REFERENCES**

ATTORNEY DOCKET NO.	APPLICATION NO.
1761.1021D	10/607,198
FIRST NAMED INVENTOR	
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Reference AC (JP laid-open Patent Publication No. 6-281018)

Reference AC, as presently advised, discloses in Fig. 5 a sealing device having a first sealing member (a rotatable disc 2) and a second sealing member (a non-rotatable disk 8). The first sealing plate is mounted on a rotatable member and includes a radial wall on which an encoder is mounted, and a cylindrical wall. The second sealing plate includes an elastic sealing member formed integrally with a side sealing lip slidingly engageable with the radial wall of the first sealing member and also formed integrally with a radial sealing lip slidingly engageable with an outer peripheral surface of the rotatable member adjacent an engagement surface of the first sealing plate with the rotatable member. The sealing device is not utilized for use in a wheel bearing.

Reference AD (JP Laid-open Utility Model Publication No. 4-50724)**Reference AE (JP Laid-open Patent Publication No. 9-274051)**

Reference AD and AE, as presently advised, disclose that a depression of a depth corresponding to a thickness of a sealing plate of a sealing device used in a rolling bearing assembly is formed to allow the sealing plate to be press-fitted thereon.

Reference AE (JP Laid-open Patent Publication No. 9-274051)**Reference AF (JP Laid-open Patent Publication No. 9-292032)**

References AE and AF, as presently advised, disclose a sealing device of a rolling bearing assembly in which a side sealing lip is provided at two locations spaced radially.

Reference AG (JP Laid-open Patent Publication No. 10-153607)

Reference AG, as presently advised, disclose a sealing device of a rolling bearing assembly in which a sealing plate is made of a ferrite stainless steel.

Reference AH (JP Laid-open Utility Model Publication No. 4-028274)

Reference AH, as presently advised, discloses a sealing device of a rolling bearing assembly, having two sealing members fixed on inner and outer members, respectively. One of the sealing members is provided

with a lip that prevents the sealing members from being separated relative to each other so that they can be held in an overlapping fashion.

Reference AI (JP Laid-open Utility Model Publication No. 2-093569)

Reference AJ (JP Laid-open Utility Model Publication No. 2-146221)

As presently advised, References AI and AJ disclose a sealing device having a first sealing member and a second sealing member. The first sealing plate is mounted on a rotatable member and includes a radial wall and a cylindrical wall. The second sealing plate includes an elastic sealing member formed integrally with a side sealing lip slidably engageable with the radial wall of the first sealing member and also formed integrally with a radial sealing lip slidably engageable with an outer peripheral surface of the rotatable member adjacent an engagement surface of the first sealing plate with the rotatable member. They do not disclose an encoder.